

## Volstead Acts To Put Ban on Beer for Sick

### Bill to Stiffen Prohibition Enforcement to Offset Pal- mer Ruling Is Intro- duced Before the House

#### Wine Limit Tightened

#### Minnesota Representative Insists That Malt Beverage Is Not a Medicine

WASHINGTON, April 25.—As the first step of the fight in Congress to tighten up the Volstead prohibition enforcement law, a bill designed to prohibit the sale of beer to the sick on a physician's prescription, was introduced in the House today by Chairman Volstead of the Judiciary Committee.

The measure would not prohibit the use of wine for medicinal purposes, but would make more specific and stringent the regulations on this subject.

Frankly declaring there was no real necessity for beer as a medicine, Mr. Volstead announced that his bill, described as supplemental to the national prohibition act, was put forward at this time to meet the situation created by the opinion of former Attorney General Palmer that beer and wine, under the Volstead act, could be prescribed for the ailing.

#### Limit Fixed by Kramer

In tentative regulations announced last week by Prohibition Commissioner Kramer, but which must await approval by David H. Blair, the new Commissioner of Internal Revenue, an arbitrary limit of four and seven-eighths gallons of beer and three gallons of wine was fixed as the maximum that might be prescribed by a physician at any one time. Mr. Palmer had ruled that the law fixed no limit.

Regardless of what Commissioner Blair may rule, Mr. Volstead indicated that the prohibition forces in the House were prepared to take the beer bill by the horns and let the world know that there will be no beer. The bill will be referred to Mr. Volstead's committee for hearing and report. Members opposed to any modification of the dry law said to-night it probably will be reported to the House substantially as drawn. There were predictions from many dry quarters that the measure was certain.

After examining notes on the committee's legislation, Mr. Blair said, "I am sure that there would be no return back of the question of prohibition, even in the face of a cry from many sections that Congress give the national beer regulations for the sick a try-out."

#### Aims to Shut Off Supply

After turning thumbs down on beer and putting extra safeguards around the medicinal use of wine, home made is included, the bill would close the door to the importation of liquor and shut down distilleries until the present stock of about 10,000,000 gallons now in bonded warehouses has been exhausted. Mr. Volstead said there was no sense in allowing large quantities to be imported or manufactured while there was so much of it in the country.

The bill also would impose certain additional restrictions on the manufacture of alcoholic preparations, manufacturing as medicinal and tonic. "The prohibition leaders assert that preparations, and that public notice of the application shall be posted so that the Attorney General or any person who may have knowledge of any violations on the part of the applicant may object to the permit being granted. Permits at present the Judiciary Committee chairman said, are granted without notice to the Attorney General and he has no opportunity to object to their issuance. The bill would give the Attorney General power to cancel permits for the same reason that the Commissioner of Internal Revenue is authorized to cancel."

#### Chicago Faction Would Run Landis for Mayor

#### Jurist Suggested as Non-Par- tisan Candidate of Anti- Thompson Republicans

SPECIAL DISPATCH TO THE TRIBUNE  
CHICAGO, April 25.—Judge Landis, regarded as a forceful campaigner, may be brought out as a non-partisan candidate for Mayor, it was indicated today. Signs of this were seen as Republicans who are arranging a non-partisan judicial convention to put the finishing touches to their plans. Judge Landis has been on the Federal bench since 1905, and has been almost continually in the spotlight. He is a Republican and first came to prominent notice in party affairs

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through the fact that he was Frank O. Landis's campaign manager in the latter's first race for the Governorship of Illinois in 1904, when the State convention was deadlocked.

Expressions heard to-day were that Judge Landis would be a Majority and Democratic coalition. The Majority race is two years away, and the leaders of the movement have until the time to make ready for it.

The anti-Thompson faction of the party met this afternoon at the Hotel La Salle and endorsed the movement to combine with the Democratic organization on a judicial slate to oppose the Thompson ticket. A resolution setting forth that this decision was the wish of the leaders was read and endorsed.

## Board Sworn, Court Transit Fight Begins

(Continued from page one)

ultimately to the United States Supreme Court.

In an affidavit filed by himself, Mr. O'Brien quoted Mr. McAneny, in an effort to show that increased fares were imminent. The Corporation Counsel, in his affidavit, said:

"At the hearing, on March 29, before the Governor, the defendant, George McAneny, said, among other things: 'Of course, it is an attractive thing to say that I shall pay a 5-cent rather than a 7-cent fare. In reference to eight cents, I consider the fancy of some one's mind. None of these things are determined, but let us assume that it will be six or seven or what is necessary to give a fair return for these securities.'"

"Affiant, therefore, avers that the defendant, George McAneny, favored and endorsed said act of increase of fares upon the street and rapid transit railroads and the stabilization of the securities of companies or corporations operating street railroads within the limits of plaintiff."

#### Charges "Indivisible" Plan

The general charges in the complaint are that the law purports to empower the commission "either before or after a hearing" to increase the rates of fares and surcharges, surface and elevated lines in excess of the rates fixed by contract between the city and the companies, and that it

"legally provides for and unlawfully attempts to create an indivisible and single legislative plan and scheme to rehabilitate certain street railroads, subway, surface and elevated, and to regenerate, resuscitate and stabilize the securities therein, at the expense and by the use of the money, property and credit of the plaintiff."

Mr. O'Brien seeks back to 1886 for evidence that the traction act violated the city's rights. In that year, he said, Governor Doan granted a charter which clearly establishes the intention of the city fathers that the municipality should have control of its own thoroughfares. Charters granted in 1793, 1792 and at later periods were cited.

The eight alleged constitutional violations upon which the city asks for an injunction are:

Article XII, Section 2, of the state constitution, which requires that such laws must be submitted to the Mayor for approval or disapproval. In this connection Mr. O'Brien cited that the original Public Service Commission law, of which the present act is an amendment, was submitted by Governor Hughes in 1907 to Mayor McClellan and, being disapproved, was passed over his veto and subsequently signed by the Governor.

Article II, Section 18, which was incorporated in the state constitution in 1876 in order to provide a larger measure of local control over the city streets, and to fix the basis, as in the case of fares, upon which the streets might be used for transportation.

#### Taking of City Property Forbidden

Article I, Section 6, which forbids the taking of property without due process of law and also forbids the taking of city property for private use, the city contending that the delegation of plenary power to the Transit Commission deprives the city of control given by this section.

Article 10, Section 2, that the Transit Commissioners are state appointed, whereas they should be elected by the electors of the city.

Article 8, Section 3, which provides that "no county, city, town or village shall hereafter give any money or property or loan its money or credit to or in aid of any individual, association or corporation, or become directly or indirectly the owner of stock or bonds of any association or corporation; nor shall any such county, city, town or village incur any indebtedness" except for its own use.

It is further claimed by the city "that the act unlawfully and illegally delegates to the commission the legislative powers and functions of the Legislature in that it purports to devolve upon Mr. McAneny and his colleagues general power to legislate in respect of the preparation of the plan and read-

justment provided for in the act and for the revaluing of the property of the railroads, all in violation of Article III, Section 1, Section 26 and Section 27, of the state constitution.

"The power to abrogate and annul, to modify and to rewrite contracts previously entered into by the city, it is claimed in this action, is a serious violation of Article I, Section 10 of the Federal Constitution, which prohibits the enactment by the several states of laws which impair the obligations of contracts. This provision of the Federal Constitution was made famous by the memorable Dartmouth College case, decided in the United States Supreme Court eighty years ago.

"It is further claimed that the act violates the due process of law and equal protection of the laws clauses of the Fourteenth Amendment of the Federal Constitution."

#### Interborough Is Attacked

Affidavits were submitted from William E. C. Mayer, assistant Corporation Counsel; James W. Reed, an engineer in the Board of Estimate; John Bauer, formerly statistician for the Public Service Commission, and John A. McCollum, chief of the division of franchises of the Board of Estimate. In these affidavits attacks are made on the Interborough management. Among them are:

"The company disregarded sound financial policy throughout its history in the payment of dividends rates, which were far above ordinary return on capital.

"In harmony with the policy of paying out every possible dollar in dividends, the company neglected to provide adequately for the amortization of expenditures which under conservative management would have been written off during the long period of large expenditures.

"Financial mismanagement is illustrated also in the extravagant payments that have been made from time to time to officers and others interested in the control of the company. For example, besides the large amounts of securities issued to August Belmont for practically no direct investment, also besides the salary of \$50,000 a year paid him as president of the company, large sums of money were paid to him personally or to August Belmont & Co. as financial advisers and fiscal agents of the company, amounting in the aggregate to \$838,250. After the negotiation and signing of Contract No. 3, the company paid a bonus of \$150,000 to Theodore P. Shonts, president of the company; \$50,000 to R. R. Rogers, counsel for the company, and \$10,000 to F. J. Gagnor, auditor, in recognition of the valuable services successfully negotiating Contract No. 3. It paid J. P. Morgan & Co. \$500,000 in 1911 merely for being prepared to help finance public contracts with the city. It paid a total of \$17,533,941 in discount and expenses on the total issue of its bonds and notes. It spent \$218,159 on publicity. Similar extravagances characterized the financial management of the company operating under a public contract at a 5-cent fare."

#### Commission Sworn In, Lunches With Governor

#### New Transit Board Members Do Not Expect Any Legal Bar to Performance of Duties

From The Tribune's Washington Bureau

ALBANY, April 25.—The new Transit Commission, after being sworn in today, had luncheon with Governor Miller at the Executive Mansion. Before leaving for New York City to tackle the transit problem, they expressed confidence that no irreconcilable obstacle, legal or otherwise, could be placed in their path by the Hyman administration.

Also at the luncheon conference were Francis M. Scott, formerly a justice of the Supreme Court, who has been retained as special counsel to fight any moves which have been made or may be made against the Transit Commission, and the five members of the new state-wide Public Service Commission. The new commissioners, who have almost absolute power over the public utilities of the state, did not reveal what transpired at the conference, but it is understood that the matters with which they are to deal were gone over thoroughly.

It was learned that the Transit Commission has a definite program in mind for the solution of the New York City transit situation. The nature of it has not been divulged, but it is understood that it will be made public within a short time.

As announced recently in The Tribune, part of the plan will call for the elimination of many of the underlying causes, such as the Manhattan Elevated contract with the Interborough, by virtue of which the Interborough, while netting earnings on its own line, showed a deficit last year because it had to pay a guaranteed return to the Manhattan bond and stockholders.

Before going to the legislative mansion to pave the way for the taking over call on the state Civil Service Commission

to pave the way for the taking over of the bulk of the employees in the commission, whose duties they will assume to-morrow.

George R. McAneny, chairman of the Transit Commission, was asked if definite plans had been determined on for working out the New York City transit problem.

"No," replied Mr. McAneny. "We discussed no plans at the luncheon other than the taking over of the office to-morrow."

When he was asked if the Transit Commission expected to function despite the attempts of the Hyman administration, he smiled and, after a long silence, said:

"That I can't say until I become acquainted with the nature of the litigation. Justice Scott has been retained as special counsel to handle this case and I have to see what will develop before I can make a more detailed reply."

Mr. McAneny and the other members of the commission, Leroy T. Harkness and Major General John P. O'Ryan, do not regard the legal maneuvering of the Hyman Administration as anything other than an attempt to make political capital. It can be said authoritatively that the Transit Commissioners do not believe that the courts will sustain the contentions which may be raised by the Hyman Administration.

Major George R. Lunn of Schenectady, who announced at the hearing on the legislation which created the commission, that the up-state cities would be in the courts, saying that it would be a "fight from the drop of the hat," was not at his home to-night. It is expected that at the first opportunity Schenectady and some of the other up-state municipalities will institute legal proceedings against the state-wide Public Service Commission.

All eight commissioners took the oath of office in the presence of Governor Miller. The ceremony of induction was conducted in the Executive Chamber by Addison B. Parker, Deputy Secretary of State.

#### Calder Calls Off Plan

#### To Run Him for Mayor

#### Senator Puts Quiet on Dinner to Launch Boom; Idea May Be Resuscitated Later

William M. Calder, United States Senator, yesterday called off the movement to put him in the race for the Mayorality which has been engineered by his friends in the National Republican Club, assisted by Lieutenants Jacob A. Livingston, of Brooklyn.

Plans were being matured for a large dinner in his honor, and it would have been the occasion of formally launching his boom for the Republican nomination for Mayor.

There is a bare possibility that the plan will be revived before fall and that the Senator may then see his way clear to make the race.

After mature deliberation the Senator has decided that the Mayorality is a sideshow compared with the Senatorship, and that it will not pay to go "fishing" for it, or for anything but a reflection.

If the legislative investigation should turn out badly for Mayor Hyman and the Hyman-Tammany combine, which has agreed upon the renomination of Hyman, it is possible that the same factors which planned a campaign with Senator Calder as the Republican Mayorial candidate will bring the plan forward again.

#### Reserve Commissions Await Guard Officers

#### Personnel Urged to Seek Ap- pointment So Army Reorgan- ization May Be Speeded

From The Tribune's Washington Bureau

WASHINGTON, April 25.—As another step in the plan of making the American military force instantly available for war Secretary of War Weeks today called upon the commissioned personnel of the National Guard to seek appointment in the Officers' Reserve Corps.

The drafting of the National Guard into the Federal reserve will be accomplished by a proclamation by the President, but this draft automatically discharges the officers from their National Guard commissions. Before they can serve in a commissioned capacity after such discharge it will be necessary that they be appointed in the Officers' Reserve Corps.

In the case of officers above the rank of colonel the President's nomination must be sent to the Senate for confirmation. The War Secretary is desirous of preventing any great delay in this process by having all National Guard officers seek commissions in the reserve corps and thus be properly qualified for immediate service.

## \$100,000 Fund Denied Enright Rum Tasters

### Mayor Tells Him Esti- mate Board's Money Is Exhausted and to Make Appeal to the Aldermen

#### 50,000 Gals. Wine Seized

#### Judge Promises Leniency to Those Pleading Guilty, but Law's Limit if Convicted

Police Commissioner Enright tried yesterday to get the committee on finance and budget of the Board of Estimate to consider the necessity of granting him \$150,000 to put 1,000 more patrolmen on the force and \$100,000 for the purchase of drinks as evidence. The Mayor told him that the committee had exhausted its resources and that he had better try the Board of Aldermen.

The commissioner was told that the Board of Aldermen could issue special revenue bonds to the extent of \$2,000,000 for all departments and necessities. He may go before the board to-morrow.

While Mr. Enright was being denied aid and comfort by the finance and budget committee, Judge John F. McIntyre in General Sessions was blasting the hopes of violators of the state liquor laws, who thought they might get helpful sympathy from either grand or petty juries.

The Judge's remarks accompanied the pleading of Troim Skutjens, who was arrested a week ago for possessing liquor. Skutjens pleaded guilty. He is the first to have done so under the new laws Judge McIntyre suspended sentence and said:

"An impression has been broadcast and prevalent that grand juries would be reluctant to indict in liquor cases amounting to a violation of the liquor law of the state. Every case where there was a violation of the law established before a grand jury, the grand jury, without hesitation, has lodged an indictment, thereby showing that the popular impression is with out basis."

It has also been said that petty juries would not convict in relation to the sale of liquor, the use of liquor or the unlawful possession of liquor. In my judgment I wish to state that, where there is evidence of violation and guilt beyond a reasonable doubt, a petty jury will do its full duty by convicting."

Therefore might just as well be understood by the public that the people of this country will not be permitted to set themselves up in open defiance of the law recently passed by the Legislature. It has been said that it curtails personal liberty and freedom. That will not justify a violation of the law."

There are pending approximately 750 complaints alleging violations of the prohibition statute. The grand jury has filed more than 100 indictments. They have not indicted in every case presented, but have carefully considered the cases and it is safe to say that in each in which an indictment has been found the probabilities of conviction are very strong. The trial of these cases will consume much of the court's time and add expense to the already over-burdened taxpayers of the county. The court is inclined to be lenient and will exhibit real clemency to those defendants who plead guilty and give assurances before the court that they will discontinue this unlawful business. On the other hand, those guilty defendants who by standing trial compel the authorities to devote valuable time that might be used for other purposes need expect no consideration from

those authorities and must be prepared to meet the severest penalties that can be inflicted under the law."

Deputy Commissioner John A. Leach announced yesterday that 145 arrests had been made by the police over Saturday and Sunday. He said that he was convinced that the people are beginning to understand that the police are in earnest.

Several detectives on the staff of Inspector George Liebers, of the 7th Inspection District, yesterday seized a freight car loaded with 50,000 gallons of red wine in kegs. The shipment came from California and was stored in the freight yards of the New York Central Railroad at West 229th Street. Lieutenant Russell, of the East Sixth Street station, arrested Patrick McKenna yesterday when the latter accidentally dropped a valise on the sidewalk at Seventy-sixth Street and Third Avenue, and he began to leak. Russell, guided by his nose, followed McKenna for two blocks and then arrested him.

Later Russell called on Mrs. McKenna at the McKenna home, 208 East Sixty-seventh Street, and arrested her. He says that she sold him a bottle of liquor for \$10.

Liquor worth \$12,000 was confiscated in the Hirschhorn warehouse, at 1316 Third Avenue, and Elmer Hirschhorn, the manager, was arrested. This, too, was the work of Lieutenant Russell.

Arrested yesterday by the police was a man who was arrested at the New York City Jail, held in \$500 bail each. Hirschhorn was held in \$1,000 bail.

Concerning the number of seizures by the police in cases where the owners of the liquor claim to have a right to it under a Federal permit, Charles R. O'Connor, State Director of Prohibition, said yesterday that the police should check up these statements of legal ownership, for, if they made arrests and seizures where they were contrary to the rights of the owner, they laid themselves open to actions at law.

It was evident at the Federal prohibition offices yesterday that there is little harmony between the Federal agents and the police in the enforcement of prohibition. The Federal men complain that the police overwhelm them, break into cases on which they have spent weeks investigating and, as happened last week, step in even while the agents are tying up a stock of liquor and take it from them.

## Paper Mill Unions Reject Proposals To Adjust Wages

### Big Operators Say Men Have Made No Counter Offers; Plan New Efforts Before Contracts End in May

Leading paper manufacturers, after a meeting last night at the Murray Hill Hotel, announced the rejection of proposals submitted by them to the labor unions for an adjustment of wage scales and working conditions, to take effect when the existing agreements expire on May 1 and May 11.

Organizations represented at the meeting were the Minnesota and Ontario Paper companies, the Fort Frances, Ont., Paper Company, Grand Lakes Company, Spanish River Pulp Company, Cliff Paper Company, Sherman Paper Company, St. Maurice Paper Company, Pettibone-Cattaraugus Paper Company, Hanna Paper Company, Regis Paper Company, Ariel Power and Paper Company and International Paper Company.

A preliminary meeting was held on February 24, attended by all the above-named companies, at which the manufacturers agreed on proposals to be made to the labor unions as to wages and working conditions such as the present situation in the paper industry was said to warrant.

A statement issued after the meeting last night says in part:

"A committee of manufacturers pre-

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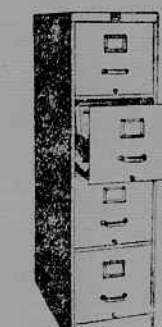
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unions, due consideration having been given to industrial and economic conditions as well as to living costs, the labor unions having invited the joint action. The committee reported to the full meeting of manufacturers to-day that the proposals made were rejected by the labor unions and no definite counter proposition has been made to them.

"The action taken by the employees concerned and their representatives is regretted by the manufacturers, as all of them are desirous of operating plants to the largest possible extent, thereby furnishing employment as possible to the employees and paying rates of wages compatible therewith."

"The efforts of the manufacturers will be continued and it is understood that their present committees will represent them in any further negotiations with the labor unions on the subject of rates of wages and working conditions."



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